

**STATEMENT OF G. WILLIAM HUNTER, EXECUTIVE
DIRECTOR, NATIONAL BASKETBALL PLAYERS ASSOCIATION,
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM, MAY 19, 2005**

Mr. Chairman and Members of the Committee:

My name is G. William Hunter, and I serve as the Executive Director of the National Basketball Players Association, the labor union that represents all NBA players in collective bargaining. I am also an attorney, and was honored to serve as the United States Attorney for the Northern District of California under Presidents Carter and Reagan.

My first round of collective bargaining with the NBA took place in 1998. During those negotiations, the NBA owners suggested that we amend our anti-drug policy by adding steroids to our list of prohibited substances. Despite the fact that we were not perceived to have any problem with steroid use in the NBA, the players did not hesitate to put in place a comprehensive program and policy that provides for education, testing and discipline with regard to the use of steroids. We were glad to get out in front of this issue long before it generated the national interest that exists today, and declare to the world that there is no place for steroids in professional basketball.

That collective bargaining agreement is set to expire next month, and we now find ourselves in a similar place to where we were when the agreement was negotiated in 1998-99. That is, we still are not perceived to have a steroid problem in the NBA, but we again are offered an opportunity to get out in front of this now increasingly public issue and send a message to young people around the world that our players do not condone or tolerate the use of steroids. As we did in 1998-99, we will again do our part to deliver this important message.

We have already advised the Commissioner and the NBA owners he represents, and we state here publicly today, that beginning next season, our players will agree to even more frequent testing and harsher penalties for steroid use, regardless of whether the results of our testing over the past seven years mandate that such changes be made. As I will describe shortly, the test results confirm our belief that steroid use is not an issue in the NBA. Nonetheless, we will agree to these new terms, and ask nothing from management in exchange.

Before discussing the reasons why we would agree to, in effect, fix something that isn't broken, allow me to take a quick moment to familiarize the Committee with some of the general terms of the steroids policy that currently exists in the NBA.

As soon as a player enters the league as a rookie, he is immediately taught about the dangers of steroid use at our week-long Rookie Transition Program. During his

first season, each rookie is subject to random testing, once during training camp and three times during the season. Veterans are tested for steroids during training camp, and additionally a veteran can be tested at any time if there is reasonable cause to believe he is using steroids. Players who test positive are suspended for multiple games, with increasingly lengthy suspensions imposed on repeat offenders, specifically, 5 games for a first offense, 10 games for a second, and 25 games for a third and each subsequent offense. Under these levels, a player earning the average salary in the NBA this season who tests positive a third time would forfeit nearly \$1.4 million while missing about 30% of the 82-game season.

All suspensions of players are publicly announced, although the applicable substance is identified only upon consent of the player. Our list of prohibited substances is expansive, consisting of 32 substances. To remain current, our agreement provides for new substances to be added if they are declared illegal, or if they are found to be performance enhancing and harmful to a player's health. An independent Prohibited Substances Committee, consisting of some of the top experts in the field, is empowered to add any substance that meets these criteria, and the Committee has done so regularly, adding 17 new substances since the inception of the program in 1999, including most recently ephedra and THG.

Finally, players receive continuing education on these topics through mandatory Team Awareness Meetings, with discussions led by drug counselors who are former NBA players. In addition, the Medical Director maintains a nationwide network

of medical providers, at least one in each NBA city, who are available to assist players with counseling and treatment.

We believe our program as it currently exists strikes the appropriate balance with regard to issues of testing and discipline, and we certainly have not seen signs that a steroids issue exists in the NBA. Since the time our steroids program took effect in the 1998-99 season, about 4,200 tests have been conducted on players, yielding only 3 confirmed positive results. (In total, there have been 23 laboratory positives – well less than 1% -- but only 3 that satisfied the additional steps that are required for a sample to be confirmed as positive under our program.) Anecdotal evidence my staff and I have compiled through our meetings with the teams this past season confirms that players in the NBA simply have no desire to use steroids. As seven-time All-Star and former Olympian Grant Hill of the Orlando Magic said in a recent article about steroids, “I can’t remember even hearing anybody talk about it.” He concluded that steroids simply are not an issue in the NBA.

Why? While I can not offer the Committee any medical expertise, I can offer the Committee one perspective that many players have communicated both publicly and privately, beyond their concern with the health risks and side effects, and aside from the deterrent effect put in place by our policy. Simply put, the players believe that steroid use will diminish, not enhance, their skills as a basketball player. Professional basketball is not a power sport; it is a sport of quickness and athleticism. Our players want to be long and lean. They believe that the added bulk that may be offered by steroid use would

only slow their lateral movement and detract from those instinctive abilities that have brought them to the pinnacle of their craft.

Tony Massenburg of the San Antonio Spurs, a 13-year NBA veteran, articulated the point well in a recent article: “Steroids are not going to make you put the ball in the basket. And if you get real big and pumped up, you’re not going to be able to move very well. And if you can’t move, no matter how big and strong you are, in this league people are just going to be able to go right around you.” As Grant Hill said in that same article, “Muscles and extra weight and extra size are not conducive to what basketball is all about.”

Regardless of these points, as I stated earlier, our players have decided to cut off the debate on steroid use in the NBA before it could even get started. We have indicated to the NBA owners that we will not resist their efforts in our current round of collective bargaining to increase testing and impose harsher discipline for steroid use. Our existing agreement expires next month, and any new terms would presumably take effect next season.

We have made this pledge for a variety of reasons. First and foremost, though as I discussed earlier we believe that steroids will not in fact enhance the performance of a basketball player, there is little doubt that the use of such substances will create a perception in the minds of our consumers that a player has an unfair advantage. We cannot tolerate even the perception that the integrity of our contests is at

issue. More so than entertainment, the product we offer to the consumer is competition, and the purity of that competition cannot be compromised. If nothing else, for business reasons alone, to assure the continued success of our enterprise, we must effectively police ourselves on this issue.

Our players have not hesitated to take the lead and speak out publicly on this point. Among the various players who have been quoted by the media, I cite the example of five-time All-Star and former Olympian Ray Allen of the Seattle Sonics, a former member of our union's Executive Committee, who said that we need "to create a level playing field and make sure nobody's cheating." Another well-known player, Jalen Rose of the Toronto Raptors, also spoke eloquently to this point in a recent article: "People have to understand the basics of athletics is fair play. That's why we shake hands after every event. I line up against you, whether it's middle school, high school, college, pro, and I try to beat you. But when it's over, I understand that you did not necessarily have an unfair advantage over me."

Aside from the importance of protecting our business, the players will agree to amend our policy so that we can send a firm message on this important societal issue. Though the players and I do not profess to have medical expertise, there is little doubt that the use of steroids will cause a wide range of serious health problems. As stated by our union's First Vice President Antonio Davis of the Chicago Bulls in an interview last month, "I think we have a responsibility to high school kids, junior high kids, college kids, whoever, to show them it's hard work that's going to get them there,

not cheating and tearing up your body.” Derek Fisher of the Golden State Warriors, another member of the union’s Executive Committee, echoed that theme during an interview last month on performance enhancers, stating that “we always have to be mindful of the fact that something is really prevalent in our country or in professional sports. I don’t think we can be blind to the fact, because it’s a very sensitive issue right now, particularly with the effect it’s having on high school kids.”

While I understand that this Committee is considering enacting legislation regarding steroids policies in professional sports leagues, I would respectfully urge the Committee to stay its hand. Collective bargaining is the appropriate forum for consideration and resolution of these issues. The agreements we forge are respected by the parties and will endure, and we have already shown that the parties can work successfully on these issues. Our bargaining to date has resulted in an effective policy that justifiably has kept NBA players out of the steroids discussion, and we have pledged to do even more in our current negotiations to make sure that in the future, we are not pulled in.

Moreover, the league and the players have an extremely strong incentive to police ourselves on these issues. Under our revenue sharing arrangement with the NBA, the players receive a significant portion of the billions of dollars in revenues generated each year by their performance in NBA games. If we detect a problem developing that will threaten our livelihood, we will of course take action. We acted

once in a decisive manner by putting a meaningful policy in place in 1999, and we intend to do even more in the coming months.

Still another reason I believe Congressional action is unnecessary is that we have already mandated that we will follow the government's lead and amend our list of prohibited substances to ban any substance that is determined to be illegal. Such a change is virtually automatic, and within the past year and a half, we have indeed amended the policy on two separate occasions to ban numerous additional substances that have been found to be illegal, including ephedra and THG.

In sum, we have done a good job in educating our members and policing ourselves, and together with the league, we have the resources and the incentive to achieve continued success in keeping steroids out of professional basketball. I respectfully believe that Congress should stay its hand and allow us to continue performing this important work.

Thank you for this opportunity.